

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ANDY THAM,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

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5:94CR80 (DF)

ORDER

This order hereby adopts and incorporates the Recommendation that United States Magistrate Judge G. Mallon Faircloth entered in this case on February 17, 2005 (tab 94). Neither party has served or filed written objections to the Magistrate Judge's Recommendation with the Court.

Accordingly, Petitioner Tham's motion for relief (tab 91) is hereby **DISMISSED** as an unauthorized second or successive § 2255 motion. As a result, Petitioner Tham's motion to amend (tab 92) is hereby **DENIED** as moot.

SO ORDERED, this 27th day of May, 2005.

/s/ Duross Fitzpatrick
DUROSS FITZPATRICK, JUDGE
UNITED STATES DISTRICT COURT

DF/sew